



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 30 2015

Timothy Kovis
Jamestown Associates
10 E Street, SE
Washington, DC 20003

RE: MUR 6883

Dear Mr. Kovis:

The Federal Election Commission reviewed the allegations in your complaint received on October 20, 2014. On November 24, 2015, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to dismiss the allegation that Clint Didier, and Clint Didier for Congress and Charlotte Benjamin, in her official capacity as treasurer, violated 52 U.S.C. § 30120(d)(1)(B), and close its file in this matter. Accordingly, the Commission closed its file in this matter on November 24, 2015.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analysis, which more fully explains the Commission's findings, is enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Daniel A. Petalas
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Clint Didier for Congress
and Charlotte Benjamin, as treasurer
Clint Didier

MUR 6883

I. INTRODUCTION

This matter was generated by a complaint filed by Timothy Kavis on October 20, 2014, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by Clint Didier for Congress and Charlotte Benjamin in her official capacity as treasurer (collectively the "Committee"), and candidate Clint Didier. It was scored as a relatively low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

In this matter, Complainant Timothy Kavis alleges that Clint Didier¹ and the Committee violated 52 U.S.C. § 30120(d)(1)(B) by airing on broadcast television a political advertisement that lacked a written statement identifying the candidate and providing the candidate authorization statement, and a spoken "stand by your ad" statement as required under the Act. Compl. at 1. The Complainant alleges that the advertisement, which aired on October 16, 2014, included only a written disclaimer that read "Paid for by Clint Didier for Congress." *Id.*

Respondents claim that they first learned about the Complaint from a reporter at one of the television stations airing the advertisement, and immediately investigated the allegations.

¹ Clint Didier was a 2014 candidate for Washington's 4th Congressional District seat. Clint Didier for Congress was the principal campaign committee for Didier's campaign.

1 After confirming that the disclaimer was incomplete, the advertisement was withdrawn until it
2 could be corrected. Resp. at 1. The Respondents note that they asked the advertisement's
3 producer to quickly add the missing disclaimer language in order to resume the advertisement
4 campaign as soon as possible. *Id.* Although the Respondents acknowledge that the original
5 disclaimer was insufficient, they assert that their error was "an honest mistake." *Id.* at 2.

6 **B. Legal Analysis**

7 Communications that are paid for and authorized by a candidate or his or her authorized
8 political committee must include a statement that identifies the candidate and states that the
9 candidate has approved the communication. 52 U.S.C. § 30120(d)(1)(B). For such
10 communications that are broadcast on television, this statement must include a spoken message
11 and a written statement appearing at the end of the communication. *Id.*; *see also* 11 C.F.R.
12 § 110.11(c)(3)(ii)-(iv). Respondents concede that their ad did not comply with these
13 requirements, but contend that they remedied the violation by swiftly pulling the advertisement
14 and adding the required language. Resp. at 2.²

15 In light of the Respondents' swift remedial action, the likelihood that the public would
16 not have been misled by the technical nature of the violation, and in furtherance of the
17 Commission's priorities relative to other matters pending on the Enforcement docket, the
18 Commission exercises its prosecutorial discretion, pursuant to *Heckler v. Chaney*, 470 U.S. 821

² To support their position, Respondents have provided emails between Committee staff, the advertisement's producers, and staff at the television stations airing the advertisement. Resp. at Exhibits C and D. Those emails generally support Respondents' position by showing that upon learning of the Complaint, Respondents promptly investigated and requested that the ad be pulled off the air on October 16, 2014. *Id.*; *see also* Resp. at 2. The emails also show that Respondents asked video producers to correct the disclaimer language. *Id.*

- 1 (1985), and dismisses the allegations that Clint Didier for Congress and Charlotte Benjamin in
- 2 her official capacity as treasurer, and Clint Didier violated 52 U.S.C. § 30120(d)(1)(B).